REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action, claims 1-16 were pending. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Prior Art Rejections:

Claims 1, 2, 5-7 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0219127 to Russ et al. (hereinafter "Russ"). Claims 3, 4 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ in view of U.S. Patent 6,813,264 to Vassilovski. These rejections are traversed for at least the reasons given below.

Independent claim 1 recites a system for executing communications that includes "at least one slave unit in an intranet protected by a firewall," "at least one slave unit located outside the firewall" and "an agency communication section equipped to the intranet for executing encryption or decryption by agency for a slave unit having no mechanism for encryption in the intranet," "wherein the system executes communications between a slave unit in the intranet protected by the firewall and a slave unit located outside the firewall through the Internet." Thus, the invention as claimed recites an intranet protected by a firewall, with slave units located inside and outside the firewall, and a communication section equipped to the intranet to provide security for a slave unit inside the firewall.

Russ is directed towards an apparatus for entitling remote devices (Title). Specifically, a digital subscriber communications terminal (DSCT) securely receives content and transmits it to subscriber devices (client-devices) (paragraphs 0017 and 0018). Russ teaches a digital broadband delivery system (DBDS) that functions to: "provide interfaces to content providers, service providers and entitlement agents; control access to and the use of the content and services; and to distribute the content and services to subscribers." (paragraph 0023) Russ fails to teach an intranet, as required by the invention as claimed. However, Russ

further teaches that the DBDS includes a headend, hubs, multiple nodes, subscriber locations, and DSCTs. (paragraph 0032) Thus, the subscriber television network as described by the DBDS, that strives to ensure its content is only conditionally accessed, would have to be interpreted to be the intranet of the invention as claimed.

The Examiner asserts that the DSCT acts as a proxy for the subscriber device (client receiver), controlling communication between the headend and the client receiver (paragraph 0046). However, the headend is part of the subscriber television network, so it would be considered to be a device inside the intranet. Russ only details the DSCT controlling intra-network communication. Further, acting as a proxy is in no way equivalent to acting as a firewall, as is well-known in the art. Proxy servers or entities may contain firewall software, but there is no teaching or disclosure in Russ that the DSCT contains firewall software. Thus, Russ fails to teach communication between a slave unit in an intranet protected by a firewall and a slave unit outside the firewall.

Applicants respectfully submit that Russ fails to teach a system for executing communications that includes "at least one slave unit in an intranet protected by a firewall," **"at least one slave unit located outside the firewall"** and "an agency communication section equipped to the intranet for executing encryption or decryption by agency for a slave unit having no mechanism for encryption in the intranet," **"wherein the system executes communications between a slave unit in the intranet protected by the firewall and a slave unit located outside the firewall through the Internet."** Thus, if this rejection is maintained, the Examiner is respectfully requested to point out where these features can be found in Russ.

The dependent claims are also patentable for at least the same reasons as the independent claim on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Claims 3, 4 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ. The Office correctly states that Russ does not teach a terminal outside the firewall that

is not adapted to encryption. Official Notice is taken that "it would have only required routine skill in the art and design choice to have the client-receiver (i.e. laptop) communication with a terminal not adapted to encryption because Russ et al suggests different non-limiting factors for determining whether encryption and decryption should be carried by DSCT" (page 5, lines 8-11).

First, the combination relied on for the rejection lacks features of the independent claims, as shown above. The usage of Official Notice by the Examiner provides no further evidence or support as to how the features lacked in the independent claims as shown above are present in Russ.

Second, this does not even teach the features of claims 3 and 4. Specifically, these dependent claims include the feature "wherein said agency communication section executes communications without encryption or inhibits communications, when an access is made from a slave unit inside the firewall to a terminal which is located outside the firewall and is not adapted to encryption." That requires an active role by the agency communication section when realizing that an access is made from a slave unit inside the firewall to one outside the firewall that is not adapted to encryption.

Third, as asserted in MPEP 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." To that extent, it is respectfully submitted that the limitation of an "agency communication section" that "executes communications without encryption or inhibits communications, when an access is made from a slave unit inside the firewall to a terminal which is located outside the firewall and is not adapted to encryption" is not well-known in the art to be capable of instant and unquestionable demonstration. Thus, it is requested that the Examiner provide evidentiary support in the record as to the Official Notice taken, as per the guidelines set forth in the MPEP, or rescind the Official Notice.

The Examiner's provision of Smith fails to teach the features of the rejected dependent claims. Smith teaches using either a proxy server or a firewall, but does not teach an "agency communication section" that "executes communications without encryption or

inhibits communications, when an access is made from a slave unit inside the firewall to a terminal which is located outside the firewall and is not adapted to encryption."

If this rejection is maintained, the Examiner is respectfully requested to point out where these features can be found in the prior art, or how they are capable of instant and unquestionable demonstration.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ in view of U.S. Patent 6,813,264 to Vassilovski. Vassilovski fails to make up for the deficiencies of Russ as shown above. Vassilovski also fails to teach or disclose an intranet with a firewall, and does not teach communication between slave units located inside and outside the firewall. Further, Vassilovski fails to teach a slave unit that is not equipped to perform encryption or decryption. Thus, Vassilovski also fails to teach or suggest a "a system for executing communications that includes "at least one slave unit in an intranet protected by a firewall," **"at least one slave unit located outside the firewall"** and "an agency communication section equipped to the intranet for executing encryption or decryption by agency for a slave unit having no mechanism for encryption in the intranet," **"wherein the system executes communications between a slave unit in the intranet protected by the firewall and a slave unit located outside the firewall through the Internet."** (emphasis added) If this rejection is maintained, the Office is respectfully requested to point out where these features appear in either Russ or Vassilovski.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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